

**DOCKET FOR REGULAR COUNCIL MEETING OF
MONDAY, MARCH 19, 2001 AT 2:00 P.M.
TABLE OF CONTENTS**

SPECIAL ORDERS OF BUSINESS	3
ITEM-30: Approval of Council Minutes.	3
ITEM-31: San Diego Job Corps Day.	3
ITEM-32: William E. Nelson Day.	4
ITEM-33: Star 100.7 Day.	4
NON-AGENDA PUBLIC COMMENT	4
COUNCIL COMMENT	5
REQUESTS FOR CONTINUANCE	5
ADOPTION AGENDA, CONSENT ITEMS	
ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION	
* ITEM-50: All Star Equities.	5
* ITEM-51: The Mayor's Proposal to Transfer the Management Authority for the City's Intergovernmental Relations Department from the Mayor to the City Manager.	6
* ITEM-52: Amendments to San Diego Municipal Code, Chapter II, Article 4, by adding Division 16 entitled "Preservation of Benefit Plan".	6
* ITEM-53: Exempting One (1) Assistant Deputy Director from the Classified Service.	7
ADOPTION AGENDA, CONSENT ITEMS	
RESOLUTIONS	7
* ITEM-100: <u>Two</u> actions related to the Final Subdivision Map of Rowhomes on F Street	7
* ITEM-101: Sewer Easement Set Aside in a Portion of Lot "B" of Del Mar Highlands Estates, Map No. 13818.	8

* ITEM-102: Sewer Easement - Group Job 623A.	9
* ITEM-103: Drainage Easement Abandonment - Lot 2, Soledad Estates Map 4730. .	10
* ITEM-104: Proclamation for Sir Christopher Meyer, KCMG.	11
* ITEM-105: San Diego Safe Communities Grant: Agreement with Executive Director.	11
* ITEM-106: Reprogramming of District Three CDBG Funds.	13
* ITEM-107: Martin Luther King, Jr. C.P. Lighting.	14
* ITEM-108: Black Mountain Road Traffic Signal Interconnect.	15
* ITEM-109: Carmel Mountain Road Traffic Signal Interconnect Part 1.	16
* ITEM-110: Carmel Mountain Road Traffic Signal Interconnect Part 2.	17
* ITEM-111: Settlement of the Personal Injury Claim of Paul Araujo - City File #:LX00-0549-2065.	18
* ITEM-112: Preferential Rights Litigation of San Diego County Water Authority (CWA) versus Metropolitan Water District of Southern California (MWD).	19
* ITEM-113: Director Position on the County Water Authority.	21
* ITEM-114: Energy Legislation Proposals.	21
* ITEM-115: Metropolitan Transit Development Board Proposed Legislation.	22

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS

COMMITTEE ON RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS, RESOLUTION	23
--	----

ITEM-150: Federal District Judgeships.	23
---	----

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS

COMMITTEE ON RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS, ORDINANCE TO BE INTRODUCED	23
--	----

ITEM-151: Ethics Commission Proposal.	23
--	----

ADOPTION AGENDA, HEARINGS

SPECIAL HEARING 24

ITEM-200: Conference with Real Property Negotiator, pursuant to California
Government Code Section 54956.8:

Property: 27,172 square feet of City property and 19,958 square feet of
School District Property on Fay Avenue. 24

**DOCKET FOR REGULAR COUNCIL MEETING OF
MONDAY, MARCH 19, 2001 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS - 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101**

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE.

SPECIAL ORDERS OF BUSINESS

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

2/19/2001	Adjourned
2/20/2001	
2/20/2001	Special Joint Meeting
2/26/2001	
2/27/2001	

SPECIAL ORDERS OF BUSINESS

ITEM-31: San Diego Job Corps Day.

COUNCILMEMBER WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1203)

Proclaiming Tuesday, March 20, 2001 as "San Diego Job Corps Day" in appreciation for the enormous contribution the organizations provide youth and

the citizens of the City of San Diego.

SPECIAL ORDERS OF BUSINESS

ITEM-32: William E. Nelson Day.

DEPUTY MAYOR STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1162)

Commending William E. Nelson for his service to the City of San Diego;

Proclaiming March 19, 2001 to be "William E. Nelson Day" in San Diego.

SPECIAL ORDERS OF BUSINESS

ITEM-33: Star 100.7 Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1181)

Commending KFMB/FM Star 100.7 for its outstanding service, leadership and commitment to the citizens of San Diego County and the City of San Diego, and in honor of its significant contributions;

Proclaiming March 19, 2001 to be "Star 100.7 Day" in San Diego.

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject**, regardless of the number of those wishing to speak. Submit requests to speak to the Mayor or the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

COUNCIL COMMENT

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*). In addition, other items thought to be routine or non-controversial and without any "Request to Speak" slips in opposition may be taken as part of the Consent Agenda.

PLEASE NOTE: ITEMS LISTED ON TODAY'S CONSENT AGENDA (ITEMS 50 - 115) THAT ARE PULLED BY THE COUNCIL OR MEMBER OF THE PUBLIC FOR DISCUSSION WILL BE TRAILED AND DISCUSSED AFTER ITEMS ON THE ADOPTION AGENDA (ITEMS 150 - 200).

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Items 50, 51, 52, and 53.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, and 115.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-50: All Star Equities.

(Carmel Valley Community Plan Area. District-1.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 2/27/2001. (Council voted 7-0. Districts 6 and 8 vacant.):

(O-2001-121)

Amending Chapter X, Article 3, Division 6, of the San Diego Municipal Code by amending Section 103.0612 relating to the Carmel Valley Planned District.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

- * ITEM-51: The Mayor's Proposal to Transfer the Management Authority for the City's Intergovernmental Relations Department from the Mayor to the City Manager.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 2/27/2001. (Council voted 7-0. Districts 6 and 8 vacant):

(O-2001-122 Cor. Copy)

Amending Chapter II, Article 2, Division 1, of the San Diego Municipal Code by amending Section 22.1901 relating to the Department of Intergovernmental Relations.

NOTE: 6 votes required pursuant to Section 26 of the City Charter.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

- * ITEM-52: Amendments to San Diego Municipal Code, Chapter II, Article 4, by adding Division 16 entitled "Preservation of Benefit Plan".

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 3/5/2001. (Council voted 8-0. District 6 vacant.):

(O-2001-126)

Amending Chapter II, Article 4, Divisions 1 and 10, of the San Diego Municipal Code by amending Sections 24.0103 and 24.1010; by adding Division 16 titled "Preservation of Benefit Plan" by adding Sections 24.1601, 24.1602, 24.1603, 24.1604, 24.1605, 24.1606, 24.1607, and 24.1608, all relating to the San Diego City Employees' Retirement System.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-53: Exempting One (1) Assistant Deputy Director from the Classified Service.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 2/27/2001. (Council voted 7-0. Districts 6 and 8 vacant.):

(O-2001-116)

Exempting an Assistant Deputy Director position from the Classified Service in the Metropolitan Wastewater Department.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-100: Two actions related to the Final Subdivision Map of Rowhomes on F Street.

(Centre City Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1199)

Authorizing a Subdivision Improvement Agreement with Rowhomes Partners LLC, for the installation and completion of public improvements.

Subitem-B: (R-2001-1198)

Approving the final map.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 17,500 square foot site into 17 lots for residential development. It is located at 1018 F Street in the East Village District of the Expansion Sub-Area of the Centre City Redevelopment Project area. On March 9, 2000 the Planning Commission approved Planning Commission Resolution No. 2937-PC approving T.M. No. 99-0840. The City Engineer has approved the final map and states that all conditions of the Planning Commission Resolution have been satisfied. The public improvements required for this

subdivision are shown in detail on Engineering Drawing No. 30474-1-D through 30474-6-D, filed in the Office of the City Clerk under Micro Number 140.76. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$136,869 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$4,600 as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments.

There are no Development Impact Fees(DIF) for this project. Park fees in the amount of \$670 have been paid. This subdivision is in Park Service District 11.583.

The proposed residential project of 17 rowhomes is estimated to generate 68 average daily trips (ADT). The project impact on the surrounding transportation network is minimal, and no street improvements are required for this project.

FISCAL IMPACT:

None.

Loveland/Haase/GB

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-101: Sewer Easement Set Aside in a Portion of Lot "B" of Del Mar Highlands Estates, Map No. 13818.

(NCFUA Subarea 2, Carmel Valley Community Plan Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1214)

Authorizing that a sewer easement in a portion of Lot "B" of Del Mar Highlands Estates, Map No. 13818, as more particularly described in the legal description as Exhibit "A", and as shown on Drawing No. 19122-B, as Exhibit "B", is set aside and reserved for proposed future improvements.

CITY MANAGER SUPPORTING INFORMATION:

This project is located near El Camino Real, west of San Dieguito road and north of State Route 52 on City-owned land in the NCFUA Subarea 2 in the Carmel Valley Community Plan area. City Council action is required to set aside and reserve easements on City-owned land. The

sewer easement set aside, shown on City Engineering Drawing No. 19122-B, is an extension of a 25-foot wide sewer and water easement within Del Mar Highlands Estates required for future improvements proposed easterly of this location. Staff recommends approval of this action.

FISCAL IMPACT:

None.

Loveland/Haase/GRB

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-102: Sewer Easement - Group Job 623A.

(Barrio Logan Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1202)

Authorizing the City Manager to accept a Grant of Easement document, executed by the United States of America, granting the City property rights for sewer easement purposes;

Declaring that the easement is being granted at no cost to the City;

Authorizing the acceptance of the Grant of Easement document from the United States of America, executed in favor of the City of San Diego, conveying an easement over, under, upon, along and across portions of Lot 25, Block 216, Map 579; Lot 1, Block 215, Map 579; and Pueblo Lot 1167, Miscellaneous Map No. 36, in the City of San Diego.

CITY MANAGER SUPPORTING INFORMATION:

This easement is required to allow for the removal of aged and deteriorated sewer line, and the re-alignment and replacement with a twelve-inch line. This project, part of the Sewer Group 623A Project, will increase sewer capacity and improve sewer service to area residents and facilities served by the line. Of the 5,078 lineal feet to be replaced by the project, this easement is necessary for the installation of a 1,021-foot portion, with the balance of the replacement and re-alignment to be completed within existing City right-of-way.

FISCAL IMPACT:

None. Due to the fact that the easement serves their property, the United States Navy is granting the easement at no cost to the City.

Herring/Griffith/SLG

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-103: Drainage Easement Abandonment - Lot 2, Soledad Estates Map 4730.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1215)

Vacating the drainage easement in Lot 2, Soledad Estates Map 4730, as described in the legal description as Exhibit "A", and as shown on Drawing No. 19372-2-B as Exhibit "B".

CITY MANAGER SUPPORTING INFORMATION:

The site is located north of Soledad Avenue between Kearsarge Road and Crespo Drive. The lot is encumbered by an existing drainage easement. A portion of this storm drain easement is being vacated to accommodate the new design of this site which is currently in process. This easement is no longer required and is inconsistent with the currently approved project. City Council action is requested to vacate the unneeded easement as shown on Engineering Drawing No. 19372-2-B, which would allow for approved development to proceed. The drainage easement was acquired at no cost to the City. A new drainage easement for this lot was acquired on January 26, 2001, and is shown on Engineering Drawing No. 19372-1-B. Staff recommends approval.

FISCAL IMPACT:

None.

Loveland/Haase/GB

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-104: Proclamation for Sir Christopher Meyer, KCMG.

COUNCILMEMBER INZUNZA'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1245)

Commending Sir Christopher Meyer, KCMG, Ambassador to the United Kingdom of Great Britain and Northern Ireland for his contributions to the furtherance of international peace;

Proclaiming March 22, 2001 to be “Sir Christopher Meyer Day” in San Diego.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-105: San Diego Safe Communities Grant: Agreement with Executive Director.

(See Sole Source Request Memo dated November 27, 2000.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1015)

Authorizing the Chief of Police to execute an agreement with David Thompson to continue the vehicle passenger safety program - “San Diego Safe Communities” with a grant from the California Office of Traffic Safety (OTS), and the authorization shall include all aspects of Agreement administration, funding, and operation;

Authorizing the expenditure of an amount not to exceed \$296,320;

Declaring that this agreement is contingent upon final approval by OTS of the program and budget;

Authorizing the Chief of Police to execute any amendments, extensions, renewals, or future funding for this Agreement for a period of up to five years, provided funding is made available by the State of California.

CITY MANAGER SUPPORTING INFORMATION:

Since 1994 the California Office of Traffic Safety (OTS) has funded vehicle passenger safety programs (originally called Buckle-Up San Diego, later expanded and renamed San Diego Safe Communities) through the City of San Diego. The primary purpose of the Safe Communities grant program is to enhance vehicle passenger safety through publicity and education on proper and consistent use of seat belts, air bags, child seats and other safety equipment and tactics. Safe Communities also coordinates with Traffic Division on seat belt checkpoints, child seat distribution and training, and other collaborative efforts. On an ongoing basis, Safe Communities is expanding its mission and strategies through a coalition task force which also addresses home, workplace and recreational safety. Safe Communities works extensively in and through the community to accomplish its goals. OTS has advised the City of its intent to provide a new two-year grant of approximately \$400,000. Mr. David Thompson was the originator of both Buckle Up San Diego and San Diego Safe Communities. Mr. Thompson was Executive Director of the San Diego County Safety Council, a non-profit organization which was sole source provider for the first Buckle Up San Diego grant. The San Diego County Safety Council Board of Directors eventually decided to discontinue operating Buckle Up San Diego, at which time Mr. Thompson resigned from the Safety Council and was selected by the City as sole source provider for the ongoing Buckle Up, and later Safe Communities, programs. Mr. Thompson has written, and served as Executive Director of, all San Diego Buckle Up and Safe Communities projects via the City of San Diego. In selecting the City for Safe Communities funding, it is acknowledged and expected by OTS that Mr. Thompson will continue in his capacity as Executive Director.

FISCAL IMPACT:

This Agreement in the amount of \$296,320 funds Mr. Thompson's salary of \$3,820 per month (\$91,680), plus all program expenses (\$204,640) including rent, utilities, child seats, technical assistance, storage, equipment, publicity, printing, postage, and OTS mandated travel for the twenty-four month grant period. All expenditures resulting from this Agreement will be paid by grant funds. All terms and conditions in the Agreement are contingent upon final approval of the project and budget by OTS and acceptance by the City. This Agreement results in no commitment of matching funds. There is no requirement to continue the Agreement or any associated services or expenses after the grant terminates.

NOTE: The Council Resolutions for the grant, and for the Assistant Program Director named in the Sole Source Memo, are being processed separately.

Uberuaga/Bejarano/DJW

Aud. Cert. 2100736.

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

* ITEM-106: Reprogramming of District Three CDBG Funds.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1222)

Authorizing the reprogramming of \$65,000 of District 3 Community Development Block Grant (CDBG) funds from prior year projects (4181/8108, 4818/8112) to Senior Community Centers (4213/1357), \$50,000 and Neighborhood House Food Bank (4218/1821), \$15,000.

CITY MANAGER SUPPORTING INFORMATION:

Council District 3 wishes to provide support to two non-profit organizations in critical need of funding to maintain their provision of social services to San Diego citizens. With this action, Council District 3 is allocating \$50,000 of Community Development Block Grant funds to the Senior Community Centers of San Diego and \$15,000 to the San Diego Food Bank.

Senior Community Centers of San Diego (SCC)

The SCC has been providing services that meet the basic needs (food, health and shelter) of at-risk seniors living in downtown San Diego for over thirty years. Last year, SCC provided assistance to over 5,000 seniors with services that included daily meals and nutrition education, social work and advocacy, medical referrals and basic health screening, elder education, inter-generational arts and homeless assistance programs. The SCC is faced with an increased demand for intensive case management services and they require funding to address facility improvements and expansion of space to provide services.

San Diego Food Bank (SDFB)

The SDFB has been distributing food to local non-profit social service providers that serve families living at or below the poverty level, at-risk children and youth, and senior citizens since 1977. Their mission is to combat hunger in San Diego County. SDFB runs several food programs including a food recovery program, an emergency food assistance program, a soup kitchen program, a cooperative bulk purchasing program and others. The SDFB is required to vacate their current food processing warehouse which is located in the Naval Training Center. They are in need of support to assist them with establishing a new site for their operations.

FISCAL IMPACT:

The \$65,000 for this reprogramming is available in FY2000 CDBG fund 18535.

Herring/Cunningham/ELL

Aud. Cert. 2100971.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-107: Martin Luther King, Jr. C.P. Lighting.

(South Encanto Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1173)

Amending the FY2001 CIP budget by appropriating \$19,700 to CIP-29-465.0, for the Martin Luther King, Jr., C.P. Lighting Project, which money was received as a grant from the State Trailer Bill Fund, which required the City to provide matching funds;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$19,700 from Dept. No. 10365, Org. No. 2444, Job Order No. 244449 to CIP-29-465.0, Martin Luther King, Jr., C.P. Lighting Project, which transfer will provide the City's matching funds required for this project by the State Trailer Bill Fund grant;

Authorizing the expenditure of an amount not to exceed \$39,400 for the design, construction, and related costs for the Martin Luther King, Jr., C.P. Lighting Project from CIP-29-265.0 for providing funds for the project;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

Martin Luther King, Jr. Recreation Center is located at 6401 Skyline Drive. The scope of this project is to retrofit the existing tennis court lighting. The funding authorized by this Council action will provide the necessary funding to design and construct the project.

FISCAL IMPACT:

The total estimated project cost is \$39,400. The State Trailer Bill Fund allocated \$19,700 to CIP-29-465.0. The remaining \$19,700 is available in Department No. 10365, Org. No. 2444, JO# 244449.

Loveland/Belock/AO

Aud. Cert. 2100905.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-108: Black Mountain Road Traffic Signal Interconnect.

(Rancho Penasquitos and Carmel Mountain Ranch Community Areas. Districts-1 and 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1175)

Authorizing the City Manager to accept Program Supplement No. 11-5004 to Local Agency-State Agreement for Federal Aid Project No. CMLG-5004 (110), for the amount of \$60,000 in Congestion Mitigation and Air Quality Funds, Fund No. 38686;

Authorizing the City Manager to apply for an additional Program Supplement and accept a total of \$685,000 in Congestion Mitigation and Air Quality Funds, Fund No. 38686;

Authorizing the City Auditor and Comptroller to amend the FY2001 Capital Improvement Program budget by adding the project, CIP-62-315.0, Black Mountain Road Traffic Signal Interconnect;

Authorizing the appropriation and expenditure of an amount not to exceed \$60,000 from CIP-62-315.0, Fund No. 38686 for funding the preliminary engineering of the project;

Authorizing the appropriation and expenditure of an amount not to exceed \$685,000 from CIP-62-315.0, Fund No. 38686 for funding the construction, contingent upon receipt of a fully executed Program Supplement;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

This project will install traffic signal interconnect systems on Black Mountain Road between

Mira Mesa Boulevard and Paseo Montalban, on Mira Mesa Boulevard between Camino Ruiz and Black Mountain Road, and on Park Village Road between Black Mountain Road and Rumex Lane. The estimated cost of the project is \$745,000 of which \$60,000 is for design and \$685,000 is for construction.

FISCAL IMPACT:

The total cost of this project is \$745,000, which is reimbursable by a Federal (CMAQ) grant.

Loveland/Belock/PB

Aud. Cert. 2100912.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-109: Carmel Mountain Road Traffic Signal Interconnect Part 1.

(Rancho Penasquitos Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1176)

Authorizing the City Manager to accept Program Supplement No. 11-5004 to Local Agency-State Agreement for Federal Aid Project No. CMLG-5004 (111), for the amount of \$85,000 in Congestion Mitigation and Air Quality Funds, Fund No. 38684;

Authorizing the City Manager to apply for an additional Program Supplement and accept a total of \$488,000 in Congestion Mitigation and Air Quality Funds, Fund No. 38684;

Authorizing the City Auditor and Comptroller to amend the FY2001 Capital Improvement Program budget by adding the project, CIP-62-313.0, Carmel Mountain Road Traffic Signal Interconnect Part 1;

Authorizing the appropriation and expenditure of an amount not to exceed \$85,000 from CIP-62-313.0, Fund No. 38684, for funding the preliminary engineering of the project;

Authorizing the appropriation and expenditure of an amount not to exceed

\$488,000 from CIP-62-313.0, Fund No. 38684, for funding the construction of the project, contingent upon receipt of a fully executed Program Supplement;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

This project will install traffic signal interconnect on Carmel Mountain Road between Entreken Way and Freeport Road, Black Mountain Road between Stargaze Avenue and Paseo Montalban, Rancho Penasquitos Boulevard between Carmel Mountain Road and Paseo Montril, and Paseo Montalban between Black Mountain Road and Carmel Mountain Road. The cost of this project is divided into \$85,000 for design and \$488,000 for construction.

FISCAL IMPACT:

The total cost of this project is \$573,000, which is reimbursable by a Federal (CMAQ) grant.

Loveland/Belock/PB

Aud. Cert. 2100910.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-110: Carmel Mountain Road Traffic Signal Interconnect Part 2.

(Rancho Penasquitos, Carmel Mountain Ranch Community Areas. Districts-1 and 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1177)

Authorizing the City Manager to accept Program Supplement No. 11-5004 to Local Agency-State Agreement for Federal Aid Project No. CMLG-5004 (112), for the amount of \$76,000 in Congestion Mitigation and Air Quality Funds, Fund No. 38685;

Authorizing the City Manager to apply for an additional Program Supplement and accept a total of \$435,000 in Congestion Mitigation and Air Quality Funds, Fund No. 38685;

Authorizing the City Auditor and Comptroller to amend the FY2001 Capital Improvement Program budget by adding the project, CIP-62-314.0, Carmel Mountain Road Traffic Signal Interconnect Part 2;

Authorizing the expenditure of an amount not to exceed \$76,000 from CIP-62-314.0, Fund No. 38685, for funding the preliminary engineering of the project;

Authorizing the expenditure of an amount not to exceed \$435,000 from CIP-62-314.0, Fund No. 38685 for funding the construction of the project, contingent upon receipt of a fully executed Program Supplement;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

This project will install a traffic signal interconnect system on Carmel Mountain Road between Camino del Norte and Freeport Road, Rancho Carmel Drive between Avenue of Science and Carmel Mountain Road, and Highland Ranch Road between Ted Williams Parkway and Carmel Mountain Road. The cost of this project is divided into \$76,000 for design and \$435,000 for construction.

FISCAL IMPACT:

The total cost of this project is \$511,000, which is reimbursable by a Federal (CMAQ) grant.

Loveland/Belock/PB

Aud. Cert. 2100911.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-111: Settlement of the Personal Injury Claim of Paul Araujo - City File #:LX00-0549-2065.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1182)

A Resolution approved by the City Council in Closed Session on Tuesday,

February 6, 2001, by the following vote: Peters-yea; Wear-nay; Atkins-yea; Stevens-nay; Maienschein-yea; District 6-vacant; Madaffer-yea; District 8-vacant; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$300,000 in the settlement of each and every claim against the City, its agents and employees, resulting from injuries sustained from the accident involving Paul Araujo on July 25, 1999, at the intersection of Hollister Street and Flower Avenue (Superior Court Case No. GIC746634, Paul Araujo v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$300,000 made payable to Paul Araujo and his attorney of record, Thorsnes, Bartolotta, and McGuire, in full settlement of the lawsuit and all claims.

Declaring that said funds are to be payable from Fund No. 81140, Public Liability Reserve Fund.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the personal injury claim of Paul Araujo against the City of San Diego, its agents and employees, as a result of an incident which occurred on July 25, 1999. The settlement and payment has been reviewed by the City Council in closed session.

Herring/Oliva/SF

Aud. Cert. 2100937.

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-112: Preferential Rights Litigation of San Diego County Water Authority (CWA) versus Metropolitan Water District of Southern California (MWD).

(See Preferential Rights - Summary of Key Facts; Superior Court Case No. GIC 761526.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-1172)

Supporting the legal clarification of preferential rights under Section 135 of the Metropolitan Water District Act.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 2/14/2001, NR&C voted 3-0 to forward to the City Council a resolution supporting the legal clarification of Preferential Rights under Section 135 of the Metropolitan Water District Act. (Councilmembers Peters, Wear, and Madaffer voted yea)

CITY MANAGER SUPPORTING INFORMATION:

The purpose of this resolution is to support the San Diego County Water Authority (CWA) in its lawsuit filed against Metropolitan Water District of Southern California (MWD) and City of Los Angeles regarding "preferential rights."

MWD, comprised of 26 member agencies, is the regional wholesale water supplier for Southern California. The CWA has been a member agency of MWD since 1944 and is its largest customer. The CWA is completely dependent upon MWD for all of its imported water supplies required to serve the greater San Diego area. Approximately 90% all water in the San Diego area is imported. The City of San Diego is CWA's largest customer, regularly purchasing about 40% of the total water supply imported and delivered by CWA to its 23 member agencies.

Section 135 of the MWD Act establishes a "preferential right" to MWD's water supplies for each of its 26 member agencies. Preferential rights under the Act are based on each member agency's payment of MWD's capital costs and operating expenses. Initially, MWD was funded primarily by property taxes levied on property within its service area. However, a 1960 MWD Board Resolution changed the primary source of the agency's revenue stream from assessed value to water sales. However, MWD has failed to adjust its formula for calculating preferential rights, still allowing preferential rights to be based primarily upon assessed value (taxes) rather than water sales. CWA is seeking to gain legal clarification of this issue in an attempt to change the formula for calculating preferential rights to reflect member agency's total financial contributions to capital costs and operating expenses which is primarily water sales, rather than assessed value (taxes).

The City's total historic financial contribution to CWA amounts to roughly 42% of total member agency contributions. Likewise, CWA has paid MWD nearly 22% of total member agency contributions. Therefore, based strictly on historical financial contributions, the City has contributed about 9.2%, or \$1.15 billion to MWD through CWA. Although CWA has paid nearly 22% of all MWD capital costs and operating expenses, under Section 135 CWA has an entitlement to less than 15% of MWD's water supply.

Therefore, as currently interpreted/calculated, a member agency's preferential right to water supplies under Section 135 bears little relationship to its stated water needs or to its payment of

MWD capital costs or operating expense. MWD's current interpretation of Section 135 and its formula for calculating preferential rights leaves almost 50% of the San Diego area's water supply at risk.

The CWA Board took action on January 25, 2001 to initiate litigation against MWD regarding the preferential rights issue. Subsequent to this action, the General Manager for the CWA made a comprehensive presentation at the February 14, 2001, meeting of the City Council's Natural Resources and Culture Committee regarding this issue whereupon the committee voted in unanimous support of the course of action adopted by CWA.

There is no fiscal impact with this action.

Loveland/Gardner/MAS

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-113: Director Position on the County Water Authority.

(See Memorandum from Mayor Murphy dated 2/23/2001.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-1234)

Confirming the appointment by the Mayor of Senior Deputy City Manager George Loveland to serve as a member of the San Diego County Water Authority Board of Directors, for a term ending February 24, 2007.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:

On 3/7/2001, RULES voted 5 to 0 to approve the proposal that the City Manager (or his designee) hold a standing Director position on the San Diego County Water Authority (CWA). (Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor Murphy voted yea.)

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-114: Energy Legislation Proposals.

(See Intergovernmental Relations Department Report IRD-01-02 (Revised) and Letter from Congressman Filner dated 2/10/2001, Memorandum from Councilmember Atkins dated 2/9/2001, Letter from Congressman Hunter dated 2/2/2001, Letter from Margot Anderson, Acting Director, Office of Policy dated 2/2/2001.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-1236)

Accepting Intergovernmental Relations Department Report IRD-01-02 (Revised) dated 3/7/2001 and approving the recommendations contained therein to support the following federal and state energy Legislation:

ABX 20, 29, 34, 43

SBX 9, 10, 11, 27, 32, 43

HR 238, 443

S 26, 80, 207, 287 and proposed Amendments to S 295

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 3/7/2001, RULES voted 5 to 0 to approve the energy legislation proposals outlined in Intergovernmental Relations Department Report IRD-01-02 (Revised). (Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor Murphy voted yea.)

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-115: Metropolitan Transit Development Board Proposed Legislation.

(See Memorandum from Leon Williams, dated 2/21/2001.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-1235)

Supporting the proposed legislation, as currently identified as AB 581, to allow security officers to write fare evasion citations, as proposed by the Metropolitan Transit Development Board in a memorandum dated February 21, 2001.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 3/7/2001, RULES voted 5 to 0 to approve support of proposed legislation to allow security officers to write fare evasion citations. (Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor Murphy voted yea.)

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS
COMMITTEE ON RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS,
RESOLUTION:

ITEM-150: Federal District Judgeships.

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2001-1241)

Requesting our Congressional Representatives and Senators to take immediate action to secure eight additional Federal District Judgeships for the Southern District of California.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 3/7/2001, RULES voted 5-0 to approve support of action to secure additional Federal District Judgeships for the Southern District of California. (Councilmembers Wear, Atkins, Stevens, and Madaffer and Mayor Murphy voted yea.)

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS
COMMITTEE ON RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS,
ORDINANCE TO BE INTRODUCED:

ITEM-151: Ethics Commission Proposal.

(See Memorandum from Bill Baber, Rules Committee Consultant, dated 3/12/2001; City Attorney Report dated 3/2/2001.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2001-129)

Introduction of an Ordinance amending Chapter II, Article 6 of the San Diego Municipal Code by adding Division 4, titled "Ethics Commission," and by adding Sections 26.0401 to 26.0415, relating to the City of San Diego Ethics Commission.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 3/7/2001, RULES voted 5-0 to approve the version of the Ordinance submitted with the City Attorney's 3/2/2001 report. (Councilmembers Wear, Atkins, Stevens, and Madaffer and Mayor Murphy voted yea.)

ADOPTION AGENDA, HEARINGS

SPECIAL HEARING:

ITEM-200: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: 27,172 square feet of City property and 19,958 square feet of School District Property on Fay Avenue.

Agency Negotiator: City Manager and appointed negotiating team.

Negotiating Parties: The La Jolla High School Facilities Expansion Foundation and the San Diego Unified School District.

Under Negotiation: Proposed acquisition/sale of City and School District property for the proposed re-alignment of the Fay Avenue/Nautilus Street intersection.

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) this issue is listed on the docket only for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public

hearing; and 3) Refer the matter to Closed Session on March 20, 2001.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

ITEMS PULLED FROM CONSENT AGENDA

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT